



26-WAIVER-0099

Development Review Committee
Staff Report
August 19, 2026

Landscape & Site Design Waivers

Location: 1601 Dixie Hwy
Applicant: Edward Leon Rhodes
Representative: Edward Leon Rhodes
Jurisdiction: Louisville Metro
Council District: 6 – J.P. Lyninger
Case Manager: Mollie Share, Planner I

REQUESTS & RECOMMENDED ACTIONS

1. Waiver of Land Development Code Section 5.5.5.A.1 to permit an accessory structure to be visible from the public street.
 - Staff finds the justification for the request is adequate and recommends the Development Review Committee **APPROVE** the Waiver.
2. Waiver of Land Development Code Section 10.2.10 to waive the 5-foot VUA LBA planting requirement.
 - Staff finds the justification for the request is adequate and recommends the Development Review Committee **APPROVE** the Waiver.

CASE SUMMARY

The subject site is approximately 0.17 acres on the corner of Dixie Highway and West Gaulbert Avenue in the C-2 Commercial zoning district and Traditional Marketplace Corridor form district. The applicant is proposing a 990 square foot storage building to be constructed 5 feet away from West Gaulbert Avenue right-of-way. Since the proposed accessory structure is visible from the public street, a waiver is required. Additionally, the applicant is seeking a waiver to provide relief to the 5-foot vehicular use area landscape buffer areas along both rights-of-ways.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1

(a) The waiver will not adversely affect adjacent property owners; and

STAFF FINDING: The requested waiver will not adversely affect adjacent property owners as the proposed building will be built to all applicable building code regulations and does not cause any site triangle issues. The intent of the structure is to make the site look more visually appealing to those around it by moving outdoor storage items inside a building.

(b) The waiver will not violate specific guidelines of Plan 2040;

STAFF FINDING: Community Form Goal 1 Policy 12 states that the design of parking, loading, and delivery areas located adjacent to residential areas minimize adverse impacts from noise, light and other potential impacts. It goes on to ensure that these areas are convenient for motorists but does not negatively impact nearby residents or pedestrians. The placement of a building along the rear property line will serve as a physical barrier between this commercial use and the residential to the east by providing some screening from noise and light impacts the site may produce.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF FINDING: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the site is on a corner lot and the primary building on the site is in the most interior corner. There is no place to put the building without it being visible by the public street.

(d) Either: (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF FINDING: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of land and would create an unnecessary hardship for the applicant. The applicant has a used auto sales business, and restrictions on the number of vehicles on the site can hinder their sales. With the addition of this storage building, the applicant can keep additional cars on the site while alleviating their zoning enforcement concerns and cleaning up the site in the process.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2

(a) The waiver will not adversely affect adjacent property owners; and

STAFF FINDING: There would be no change to the current landscaping, or lack thereof, on the site if approved, therefore there is no adverse impact on adjoining property owners because the current state of the property is not changing.

(b) The waiver will not violate specific guidelines of Plan 2040;

STAFF FINDING: Community Form Goal 1 Policy 4 ensures that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. For a 990 square foot building to improve site appearance, around 800 square feet of landscaping is thus triggered and required to be planted. The cost and hardship of planting and maintaining a landscape buffer along two street frontages, while losing inventory space, is not comparable to the construction and maintenance of a

smaller-than-average building within the general vicinity. Because of the size, location, and use of the site, this requirement is disproportional in scale and site design to the nearby existing and desired pattern of development within this section of the Traditional Marketplace Corridor.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF FINDING: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since this is an existing site condition that would not require improvement if the size of the lot was larger, due to the threshold requirements for landscaping in Chapter 10 of the LDC.

(d) Either: (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF FINDING: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of land and would create an unnecessary hardship for the applicant. This site has been developed with parking lots all the way up to the right-of-way in order to utilize the entirety of the small site for auto sales. Requiring the applicant to remove the existing concrete to put in plantings would have a negative impact on the business because the site would have less visibility along a major traffic corridor and they would not be able to store as much inventory on site.

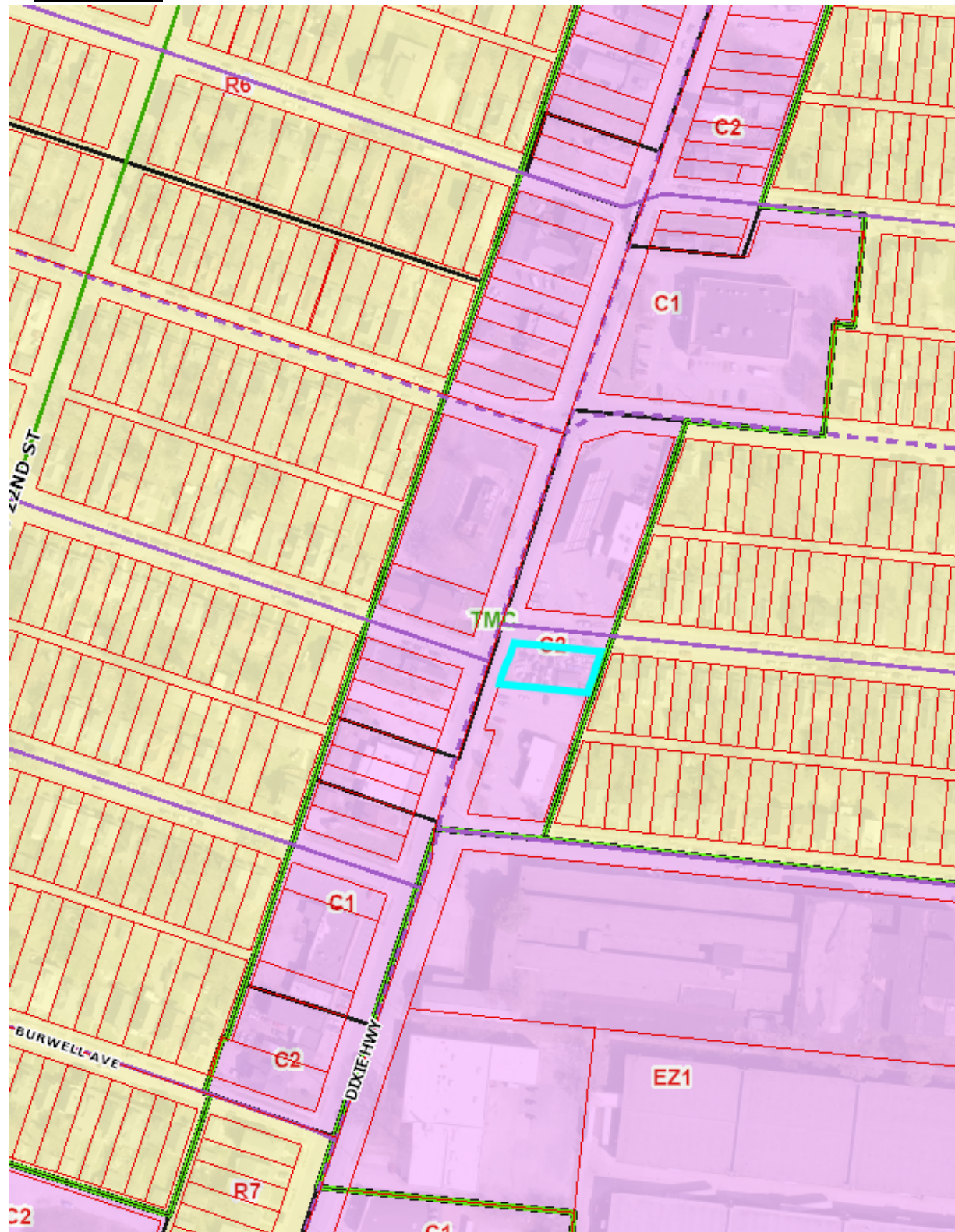
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
08/05/2026	Development Review Committee Hearing	1 st tier adjoining property owners and current residents
08/07/2026	Development Review Committee Hearing	Registered Neighborhood Groups in Council District 6

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

